

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Document Relates To:

Bellwether III Cases
Case No. 17-10164

_____/

**JOINT STIPULATION REGARDING SCHEDULING ORDER FOR
BELLWETHER III TRIAL**

Bellwether III Plaintiffs and Defendants Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC (the “VNA Defendants”), Leo A. Daly Company, Lockwood Andrews & Newnam, P.C., and Lockwood Andrews & Newnam, Inc. (the “LAN Defendants”), hereby stipulate and agree to extend certain pre-trial deadlines in the Scheduling Order for the Bellwether III Trial as follows. The parties have agreed to these modest extensions since the Court indicated that it would continue the Bellwether III Trial date to a date that is to be determined. The parties may seek further modifications related to the Bellwether III schedule once the Court sets a new Bellwether III Trial date.

<u>Event</u>	<u>Current Deadline/Date Range proposed in ECF No. [2479] (filed May 25, 2023)</u>	<u>New Date/Deadline</u>
Dr. Specht MATLAB code delivered	June 1, 2023	TBD
Dr. Specht Deposition	June 12, 2023 through June 16, 2023	TBD ¹
Defendants' Expert Reports and Disclosures (for experts not responsive to Bithoney ("Group A Defense Experts"))	June 26, 2023	July 26, 2023
Plaintiffs' Reply Expert Reports (for those who are responsive to Group A Defense Experts) + Due Date for Bithoney Replacement Expert Report and Complete Disclosure	July 17, 2023	August 16, 2023
Depositions of Plaintiffs' Experts (Dr. Bithoney and Replacement of Dr. Bithoney) + Defendants' IMEs of	July 19, 2023 to August 7, 2023	September 18, 2023 October 9, 2023

¹ A separate stipulation will be entered as to disclosure deadlines and depositions for the Specht-related experts once the MATLAB code issue has been resolved, as discussed during the June 13, 2023 discovery conference.

Plaintiffs (if needed)		
Defendants' Reply Expert Reports (for Group A Defense Experts)	July 31, 2023	September 30, 2023
Defendants' Expert Depositions (of Group A Defense Experts) (shall be limited only to those experts for whom the parties submit new or additional reports)	August 2, 2023 to August 21, 2023	October 2, 2023 to October 23, 2023
Defendants' Expert Reports and Disclosures (for experts responsive to Bithoney or Bithoney replacement ("Group B Defense Experts"))	August 21, 2023	October 23, 2023
Plaintiffs' Reply Expert Report Depositions (for those who are responsive to Group A Defense Experts)	August 23, 2023 to August 28, 2023	October 2, 2023 October 27, 2023
Plaintiff Reply Expert Reports (for those who are responsive to Group B Defense Experts)	September 6, 2023	November 6, 2023
Defendants' Reply	September 18, 2023	November 20, 2023

Expert Reports (for Group B Defense Experts)		
Defendants' Expert Depositions (of Group B Expert Reports) (shall be limited only to those experts for whom the parties submit new or additional reports)	September 20, 2023 to October 11, 2023	November 20, 2023 to December 11, 2023
Plaintiffs' Reply Expert Report Depositions (for those who are responsive to Group B Defense Experts)	October 12, 2023 to October 19, 2023	December 13, 2023 to December 20, 2023
Daubert and Summary Judgment Motions—Opening Briefs	October 27, 2023	December 29, 2023
Daubert and Summary Judgment Response Briefs	November 27, 2023	February 5, 2023
Daubert and Summary Judgment Reply Briefs	December 8, 2023	February 19, 2024
Motions in Limine—Opening Briefs	January 3, 2023	March 4, 2024
Deadline for parties to submit joint proposed jury questionnaire to the Court	TBD	TBD

Deadline for Parties to send 250 copies of Juror Questionnaires to Judge Levy's Chambers in Ann Arbor, Michigan	TBD	TBD
Plaintiffs to Submit to Defendants Draft Joint Pretrial Order (includes witness list and exhibit list)	January 8, 2024	March 7, 2024
Jurors Summoned in Court to Answer Questionnaires	TBD	TBD
Hearing Regarding Excusals Based on Jury Questionnaire Responses	TBD	TBD
Motions in Limine Response Briefs	January 17, 2024	March 15, 2024
Defendants to Submit to Plaintiffs Draft Joint Pretrial Order (includes witness list and exhibit list) and engage in meet and confer	January 22, 2024	March 21, 2024
Motions in Limine Reply Briefs	January 26, 2024	March 26, 2024
Oral Argument on Daubert Motions	TBD	TBD
Oral Argument on Summary Judgement	TBD	TBD

motions		
Deposition Designations (due for exchange between parties)	TBD	TBD
Parties to submit Voir Dire Questions, Proposed Preliminary Jury Instructions	January 31, 2024	April 1, 2024
Parties to submit Joint Final Pretrial Order	February 5, 2024	April 8, 2024
Objections to Deposition Designations and Counter Designations (due for exchange between parties)	TBD	TBD
Deadline for Submitting Deposition Designations Matrices and Highlighted Transcripts to the Court	TBD	TBD
Deadline for Court to Inform Jury Department of Excusals Based on Questionnaires	TBD	TBD
Final Pretrial Conference, hearing on motions in limine	TBD	TBD

Hearing Regarding Misc. Pretrial Matters (if needed)	TBD	TBD
First Day of Trial/Voir Dire	TBD	TBD

Dated: June 26, 2023

Respectfully submitted,

CAMPBELL CONROY &
O'NEIL, P.C.

MAYER BROWN LLP

/s/ James M. Campbell

James M. Campbell
Alaina N. Devine
20 City Square, Suite 300
Boston, MA 02129
(617) 241-3000
jmcampbell@campbell-trial-lawyers.com
adevine@campbell-trial-lawyers.com

/s/ Michael A. Olsen

Michael A. Olsen
71 S. Wacker Drive
Chicago, IL 60606
(312) 782-0600
molsen@mayerbrown.com

***ATTORNEYS FOR VEOLIA WATER NORTH AMERICA OPERATING
SERVICES, LLC, VEOLIA NORTH AMERICA, LLC, AND VEOLIA NORTH
AMERICA, INC.***

/s/Wayne B. Mason

Wayne B. Mason (SBOT 13158950)
Travis S. Gamble (SBOT 00798195)
S. Vance Wittie (SBOT 21832980)
David C. Kent (SBOT 11316400)
FAEGRE DRINKER BIDDLE &
REATH LLP
1717 Main St., Suite 5400
Dallas TX 75201

/s/ Philip A. Erickson

Philip A. Erickson (P37081)
Patrick Lannen (P73031)
John R. Stevenson (P70241))
PLUNKETT COONEY
101 N. Washington Sq., Ste 1200
Lansing, MI 48933
(517) 324-5608
perickson@plunkettcooney.com

(469) 227-8200
wayne.mason@dbr.com
travis.gamble@dbr.com
vance.wittie@dbr.com
david.kent@dbr.com

plannen@plunkettcooney.com
jstevenson@plunkettcooney.com

ATTORNEYS FOR DEFENDANTS
LEO A. DALY COMPANY; LOCKWOOD, ANDREWS &
NEWNAM, INC. and LOCKWOOD, ANDREWS & NEWNAM, P.C.

/s/ Corey M. Stern

Corey M. Stern
Melanie Daly
LEVY KONIGSBERG, LLP
605 3rd Ave., 33rd Floor
New York, NY 10158
(212) 605-6200
cstern@levylaw.com
mdaly@levylaw.com

/s/ Patrick J. Lanciotti

Patrick J. Lanciotti
NAPOLI SHKOLNIK PLLC
360 Lexington Avenue, 11th Floor
New York, NY, 10017
(212) 397-1000
planciotti@napolilaw.com

ATTORNEYS FOR BELLWETHER III PLAINTIFFS